

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

v.

JAMES DEMIK (1),
AAMIR SATTANI (2).

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Criminal No. 3:04-CR-289-H

COURT'S INSTRUCTIONS TO THE JURY

By your verdict, you have found Defendants **James Demik** and **Aamir Sattani** guilty of Bank Fraud (Count Two). Additionally, by your verdict, you have found Defendant **James Demik** guilty of Money Laundering (Count(s) Three, Four, Five, Six, Seven, Eight, Nine and/or Ten).

You have one more task to perform before you are discharged. I now ask you to render special verdicts concerning the property the Government has alleged in Count Eleven as subject to forfeiture to the Government.

Under 18 U.S.C. § 982, Defendant **James Demik** and Defendant **Aamir Sattani** must forfeit any property that constitutes, or is derived from, proceeds each Defendant obtained directly or indirectly, as the result of the bank fraud in violation of 18 U.S.C. § 1344(2).

Additionally, under 18 U.S.C. § 982, Defendant **James Demik** must forfeit any property involved in the money laundering in violation of 18 U.S.C. § 1956. Such property may include the money or other property that was the subject of the financial transaction constituting the money laundering violation. Property may be the subject of the money laundering financial transaction in a number of ways. For example, the property may be the proceeds of the underlying specified

unlawful activity being laundered; it can be property that was commingled with the proceeds at the time the financial transaction took place; or it can be property that was obtained as part of an exchange or purchase that constitutes the money laundering violation for which the defendant has been found guilty.

Your task is to determine what property the Government has proven should be forfeited.

While deliberating, you may consider any evidence, including testimony, offered by the Government or the Defendants before or after your previous deliberations. All of my previous instructions apply to your deliberations, with the exception that my instruction on the Government's burden of proof regarding your verdicts on the guilt of the Defendants does not apply to your deliberations and verdicts regarding forfeiture. In deliberating and deciding your verdicts regarding forfeiture, I instruct you that the Government need only prove by a preponderance of the evidence that the property alleged to be subject to forfeiture is subject to forfeiture. The Government is not required to prove the property is subject to forfeiture beyond a reasonable doubt.

To prove something by a "preponderance of the evidence" means to prove that it is more likely true than not true. Preponderance of the evidence is a lesser standard than proof beyond a reasonable doubt.

In considering your forfeiture verdicts, you may not consider the degree to which a particular Defendant was involved in the offense. By law, each Defendant is individually liable for the entire amount of the money judgment.


Special Verdict Forms have been prepared for your use. You will take the Special Verdict Forms to the jury room. You are asked to determine unanimously whether particular amounts are to be forfeited to the Government in the form of money judgments. If you do not unanimously agree

on these amounts, then you must determine what amount, if any, should be forfeited. You may

answer by putting an "X" or a check mark in the space provided next to the words "Yes" or "No."

The foreperson must complete, date, and sign the Special Verdict Forms.

DATED: March 4, 2005.


BAREFOOT SANDERS, SENIOR JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

SPECIAL VERDICT ISSUE ONE: Bank Fraud

Based on the convictions of Defendants James Demik and Aamir Sattani on Count Two, the Government is seeking a money judgment for **\$9,975,000.00**. It is your duty to determine whether the Government has proven that **\$9,975,000.00** is the amount of property constituting the proceeds the Defendants obtained, directly or indirectly, as the result of the offense charged in Count Two.

If you do not unanimously agree on this amount, then you must determine what amount, if any, constituted the proceeds the Defendants obtained, directly or indirectly, as the result of the offense charged in Count Two.

SPECIAL VERDICT FORM QUESTION 1

We, the jury, return the following special verdict as to the money judgment alleged in paragraph 1 of Count Eleven:

1(a) Do you find that \$9,975,000.00 constitutes the proceeds obtained, directly or indirectly, by the Defendants as the result of the bank fraud offense charged in Count Two?

YES ~~_____~~ NO _____

If you answered "NO" above, answer 1(b). If you answered "YES," continue to Special Verdict Form Question 2.

1(b) \$_____ constitutes the proceeds obtained, directly or indirectly, by the Defendants as the result of the bank fraud offense charged in Count Two.

Continue to Special Verdict Issue Two.

SPECIAL VERDICT ISSUE TWO: Money Laundering

Based on the conviction of Defendant **James Demik** on Counts Three, Four, Five, Six, Seven, Eight, Nine and Ten, the Government is seeking the following money judgments:

\$600,000.00	Count Three
\$1,184,957.84	Count Four
\$375,000.00	Count Five
\$390,000.00	Count Six
\$220,000.00	Count Seven
\$265,000.00	Count Eight
\$245,000.00	Count Nine
\$190,000.00	Count Ten

It is your duty to determine whether the Government has proven that each amount sought is the amount of property constituting the proceeds the Defendant obtained, directly or indirectly, as the result of the offenses charged in the respective Counts.

If you do not unanimously agree on these amounts, then you must determine what amounts, if any, constitute the proceeds the Defendant obtained, directly or indirectly, as the result of the offenses charged in the respective Counts.

SPECIAL VERDICT FORM QUESTION 2

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

2(a) Do you find that \$600,000.00 was involved in the offense charged in Count Three?

YES X NO

If you answered "NO" above, answer Question 2(b). If you answered "YES," skip question 2(b) and proceed to Question 3.

2(b) \$ was involved in the offense charged in Count Three.

Proceed to Question 3.

SPECIAL VERDICT FORM QUESTION 3

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

3(a) Do you find that \$1,184,957.84 was involved in the offense charged in Count Four?

YES X NO

If you answered "NO" above, answer Question 3(b). If you answered "YES," skip question 3(b) and proceed to Question 4.

3(b) \$ was involved in the offense charged in Count Four.

Proceed to Question 4.

SPECIAL VERDICT FORM QUESTION 4

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

4(a) Do you find that \$375,000.00 was involved in the offense charged in Count Five?

YES _____ NO X

If you answered "NO" above, answer Question 4(b). If you answered "YES," skip question 4(b) and proceed to Question 5.

4(b) \$ 0 was involved in the offense charged in Count Five.

Proceed to Question 5.

SPECIAL VERDICT FORM QUESTION 5

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

5(a) Do you find that \$390,000.00 was involved in the offense charged in Count Six?

YES _____ NO X

If you answered "NO" above, answer Question 5(b). If you answered "YES," skip question 5(b) and proceed to Question 6.

5(b) \$ 0 was involved in the offense charged in Count Six.

Proceed to Question 6.

SPECIAL VERDICT FORM QUESTION 6

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

6(a) Do you find that \$220,000.00 was involved in the offense charged in Count Seven?

YES _____ NO X

If you answered "NO" above, answer Question 6(b). If you answered "YES," skip question 6(b) and proceed to Question 7.

6(b) \$ 0 was involved in the offense charged in Count Six.

Proceed to Question 7.

SPECIAL VERDICT FORM QUESTION 7

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

7(a) Do you find that \$265,000.00 was involved in the offense charged in Count Eight?

YES

NO

X

If you answered "NO" above, answer Question 7(b). If you answered "YES," skip question 7(b) and proceed to Question 8.

7(b)

\$

0

was involved in the offense charged in Count Eight.

Proceed to Question 8.

SPECIAL VERDICT FORM QUESTION 8

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

8(a) Do you find that \$245,000.00 was involved in the offense charged in Count Nine?

YES _____ NO X

If you answered "NO" above, answer Question 8(b). If you answered "YES," skip question 8(b) and proceed to Question 9.

8(b) \$ 0 was involved in the offense charged in Count Nine.

Proceed to Question 9.

SPECIAL VERDICT FORM QUESTION 9

We, the jury, return the following special verdicts as to the money judgments alleged in paragraph 2 of Count Eleven:

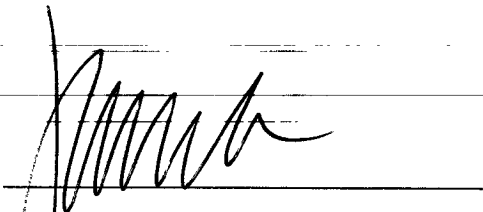
9(a) Do you find that \$190,000.00 was involved in the offense charged in Count Ten?

YES _____ NO

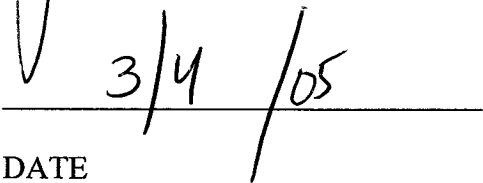
If you answered "NO" above, answer Question 9(b). If you answered "YES," skip question 9(b) and proceed to the next page.

9(b) \$ was involved in the offense charged in Count Ten.

Proceed to the next page.

A handwritten signature in black ink, consisting of several loops and a final flourish, positioned above a horizontal line.

FOREPERSON

A handwritten date "3/4/05" in black ink, positioned above a horizontal line.

DATE